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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,385	04/13/2001	David Carrel	4906.P024	3447

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/834,385

Applicant(s)

CARREL ET AL.

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3 rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al (US Patent No 6,490,289).

3. In reference to claim 1, Zhang teaches establishing a session at a data link layer between a host and a remote access concentrator (column 1 lines 5-40 and Summary);

determining a set of network layer information corresponding to the session (column 4 lines 5-63 and column 6 lines 20-67); and

applying the set of network layer information to the host at the data link layer (column 1 lines 5-40 and Summary).

4. In reference to claim 3, Zhang teaches claim 1 including:

establishing a second session at the data link layer between the host and the remote access concentrator (Summary and column 4 line 50 – column 5 line 55);

determining a second set of network layer information corresponding to the second session (column 4 line 50 – column 5 line 55 and column 6 lines 20-67); and

applying the second set of network layer information to the host at the data link layer (column 1 lines 5-40).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US Patent No 6,490,289) in view of Mamakos et al (RFC 2516).

Zhang teaches where the session is Point-to-Point Protocol (PPP). Zhang does not explicitly teach where the session is Point-to-Point Protocol over Ethernet. However, RFC2516 teaches a method of building PPP sessions for encapsulation and transmission over Ethernet to be used with broadband technologies (pages 1 & 2).

It would have been obvious for one of ordinary skill in the art to modify Zhang by encapsulating and transmitting the PPP session over Ethernet as per the teachings of RFC 2516 so that it can be utilized over the various broadband technologies.

7. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US Patent No 6,490,289) in view of Rajakarunanayake (US Patent No 6,587,883, herein Raja).

Zhang teaches establishing a second session at the data link layer between the host and the remote access concentrator (Summary and column 4 line 50 – column 5 line 55); determining a second set of network layer information corresponding to the second session (column 4 line 50

– column 5 line 55 and column 6 lines 20-67); and applying the second set of network layer information to the host at the data link layer (column 1 lines 5-40).

Zhang fails to explicitly teach where the session is between a host and a second remote access server. However, Raja teaches multiple connections between a user and target locations which can be servers/gateways/concentrators/etc. (column 4 lines 10-50 and column 5 lines 1-30).

8. Claims 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (US Patent No 6,751,082) in view of Mamakos et al (RFC 2516).

Chang teaches establishing a Point to Point Protocol session between a host to a remote access concentrator, the PPP session being associated to an account; determining a set of network information corresponding to the account in the PPP session; and applying the set of network information to the host (Summary, column 4 lines 20-67, column 5 lines 5-35 and Table 1).

Chang does not explicitly teach wherein the protocol is PPP over Ethernet. However, RFC2516 teaches a method of building PPP sessions for encapsulation and transmission over Ethernet to be used with broadband technologies (pages 1 and 2).

It would have been obvious for one of ordinary skill in the art to modify Chang by encapsulating and transmitting the PPP session over Ethernet as per the teachings of RFC 2516 so that it can be utilized over the various broadband technologies.


9. Claims 5-11 and 15-21 do not teach or define any new limitations above claims 1-4 and 12-14 as mentioned above and are therefore rejected for similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
July 21, 2004



**SALEH NAJJAR**  
**PRIMARY EXAMINER**

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